

Remarks

Claims 1-20 are pending in the application and stand rejected.

Objection to the drawings

Withdrawal of the objection to the drawings is requested in view of the replacement sheet submitted herewith.

Claim objections

Claims 3 and 9-20 were objected to for some minor informalities. Withdrawal of these objections is respectfully requested in view of the amendments set forth above.

Claim 4 was objected to but indicated to be allowable if rewritten in independent form. However, the Applicant respectfully submits that claim 4 is allowable in its present form due to the allowability of claim 1, on which it depends, as discussed hereinafter. Withdrawal of the objection to claim 4 is therefore respectfully requested.

Claim rejections

Section 112

Claims 9-14 were rejected under 35 USC 112, 1st paragraph, as reciting a “single mean[s] claim.” The Applicant respectfully traverses. Claim 9 is not a single means claim. The analysis of In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983), cited in the rejection, explicitly relied on the observation that the disputed claim was drafted in mean-plus-function format. Claim 9 is not drafted in means-plus-function format, and instead recites “a controller programmable to ...”, etc. Withdrawal of this rejection is therefore respectfully requested.

Claims 10-12 and 15-20 were rejected under 35 USC 112, 2nd paragraph. Specifically, claims 10-12 were rejected as reciting a step when an apparatus does not comprise the step. The Applicant respectfully traverses. The step referred to in claim 10 is the “determining a signal envelope” step performed by the controller as recited in claim 9. The steps referred to in claims 11 and 12, respectively, are the “filtering the signal envelope” and “determining the guard period” steps performed by the controller.

Claims 10-12 are clear and definite. Withdrawal of the rejection of claims 10 -12 is therefore respectfully requested.

Withdrawal of the rejection of claims 15, 19 and 20 is respectfully requested in view of the amendment to claim 15 set forth above.

The rejection of claims 16-18 is traversed for substantially the same reasons as those discussed in connection with claims 10-12: the steps referred to in claims 16-18 are, respectively, the “determining a signal envelope” step, the “filtering the signal envelope” and the “determining the guard period” steps performed by the controller as recited in claim 15. Withdrawal of the rejection of claims 16-18 is therefore respectfully requested.

Section 102

Claims 1-3, 5-11, 13-17 and 19-20 were rejected under 35 USC 102(b) as being anticipated by Seki et al. (US 5,602,835) (“Seki”). The Applicant respectfully traverses. Seki does not support the asserted rejection for at least the reason that Seki does not disclose “determining a signal envelope” as required by each of independent claims 1, 9 and 15. The portion of Seki alleged to correspond to the noted claim limitation, namely FIG. 6(C) showing the output of correlator 53, does not show determining a signal envelope as claimed. Instead, the output of correlator 53 is the result of correlating the in-phase I signal with a delayed version of itself. See Seki, col. 6, lines 31-33. This operation is purportedly to locate the ends of guard periods by a peak correlation value. See col. 6, lines 49-52. In any event, as can be seen in FIG. 6(c), the output of correlator 53 does not include the guard period. By contrast, a signal envelope according to embodiments of the present invention includes the guard period, as shown in FIG. 6 of the present application.

Accordingly, claims 1, 9 and 15 are allowable over Seki. Moreover, claims 2, 3, 5-8, 10, 11, 13, 14, 16, 17, 19 and 20 are likewise allowable over Seki for at least the reason that they include the features of one of independent claims 1, 9 or 15. Accordingly, withdrawal of the rejection of claims 1-3, 5-11, 13-17 and 19-20 as being anticipated by Seki is respectfully requested.


Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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Amendments to the Drawings:

The attached replacement sheets add the designation "PRIOR ART" to FIGs. 1-3.